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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,859	10/29/2003	Ben Fan	MR929-933	5710
4586	7590	10/05/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/694,859

Applicant(s)

FAN, BEN

Examiner

Chau N Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-5,7,14-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6,8-11,17,18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species 2, Figure 6, Claims 1-2, 6, 8-10, 12-13, 17-18 and 20 in the reply filed on Aug. 20<sup>th</sup> 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southard et al. (6,660,935) in view of Schreck et al. (2003/0168247).

Southard et al. discloses a flexible LED cable light (Figure 1), comprising a flexible and flat insulation body (12) having multiple notches (24a, 24b), at least two wires (18) embedded in parallel in the insulation body, multiple LEDs (20,

only one shown) respectively mounted in the notches and electrically connected between the at least two wires. Southard et al. does not disclose a protective layer covering the insulation body and the LEDs wherein the protective layer is made of light transmissive material. Schreck et al. a flexible LED cable light (Figures 5 and 6) comprising a protective layer (21) covering an insulation body and LEDs, wherein the protective layer is made of light transmissive material (light-conducting material, [0025]). It would have been obvious to one skilled in the art to cover the insulation body and the LEDs of Southard et al. with the light transmissive material as taught by Schreck et al. to protect the LEDs from the environment. Re claim 2, it would have been obvious to one skilled in the art to use surface-mounted technology (SMT) packaged LEDs for the LEDs of Southard et al. since SMT packaged LEDs are known in the art for being used in cable light.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southard et al. in view of Schreck et al. and Bianca et al. (5,967,841).

The combination of Southard et al. and Schreck et al. discloses the invention substantially as claimed except for a connector composed of a base having two opposite ends, at least two first awl-shaped prongs with sharp points formed on one end and at least two second awl-shaped prongs with sharp points formed on the

other end to connect two segments of cable light. Bianca et al. discloses (Figures 1 and 9) a connector composed of a base having two opposite ends, at least two first awl-shaped prongs with sharp points formed on one end and at least two second awl-shaped prongs with sharp points formed on the other end to connect parts or segments together. It would have been obvious to one skilled in the art to use the connector as taught by Bianca et al. to connect two segments of Southard's cable light together to provide a cable light with longer length. In addition, it has been held that merely duplicating the essential working part (the cable light segment) of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Regarding the "whereby" statement, it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937.

Re claim 13, it would have been obvious to one skilled in the art to use surface-mounted technology (SMT) packaged LEDs for the LEDs of Southard et al. since SMT packaged LEDs are known in the art for being used in cable light.

***Allowable Subject Matter***

5. Claims 6, 8-11, 17, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a flexible LED cable light comprising all the features as recited in the claims and in combination with the multiple LEDs being connected to form multiple strings, each comprising a plurality of LEDs, and each string of LEDs having at least one resistor connected to the LEDs of the string in serial (re claims 6 and 17).

***Cited Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahroni and Tsuruzono disclose cable lights.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N Nguyen  
Primary Examiner  
Art Unit 2831